

REMARKS

Claims 1-20 remain pending in the present application. Claim 1 has been amended. Claims 11-20 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4, 6, 9 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hasegawa, et al. (U.S. Pat. No. 5,481,886). Applicants respectfully traverse this rejection.

With respect to amended Claim 1, tubes (2) are connected to a header tank (4) in a manner that ends of the tubes are inserted in slot openings of the header tank (4). Depressions (drains) (4c) are formed on the header tank (4) between and spaced from adjacent slot openings for facilitating drainage.

On the other hand, a heat exchanger of Hasegawa (USP 5,481,886) is a stack-type in which a header tank (16, 17) is constructed by stacking a plurality of formed plates. In Hasegawa, depressions on the header tank (16, 17) are inevitably formed between the stacked plates because of such a structure. Hasegawa does not teach depressions on the header tank (16, 17) for draining water.

Accordingly, Applicants believe the structure of amended Claim 1 is different and can be distinguished from Hasegawa.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-9, which ultimately depend from Claim 1, are also

believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 5, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hasegawa, et al. (U.S. Pat. No. 5,481,886). Claims 5, 7 and 8 ultimately depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 5, 7 and 8 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

NEW CLAIMS

New Claim 11 defines terminating depressions (4c) at one of the side walls of a header tank (4). This is advantageous to facilitate drainage without largely reducing a sectional area of the header tank (4), that is, a liquid flow area inside the header tank (4).

In Hasegawa, on the other hand, since the depression extends throughout a circumference of the header tank (16, 17), a sectional area of the header tank (16, 17) is largely reduced at the depressions. In another point of view, since the depressions continue to a bottom wall of the header tank (16, 17), liquid is likely to accumulate around the bottom of the header tank (16, 17).

Accordingly, since the depressions (4c) of new Claim 11 are terminated at one of the side walls of the header tank (4), the structure of Claim 11 is believed to be different from that of Hasegawa, and it is not anticipated from Hasegawa.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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